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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BP CARE, INC.

Plaintiff,

**V.**

TOMMY THOMPSON, *ET AL.*

**Defendants.**


Case No. C-1-01-526

Hon. Susan J. Dlott,  
District Court Judge

## NOTICE OF APPEAL

Notice is hereby given that Plaintiff BP Care, Inc., appeals to the United States Court of Appeals for the Sixth Circuit from the Order Denying Plaintiff's Motion to Strike and Granting Defendants' Motion to Dismiss (Doc. 24) filed on September 26, 2003, and the Judgment (Doc. 25) issued and filed in accordance therewith also on September 26, 2003.


Respectfully submitted,

  
Geoffrey E. Webster (0001892)  
J. Randall Richards (0061106)  
Attorneys at Law  
Two Miranova Place, Suite 310  
Columbus, Ohio 43215  
Telephone: (614) 461-1156  
Facsimile: (614) 461-7168  
Counsel for Plaintiff BP Care, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF APPEAL was served via U.S. mail upon Jan Holtzman, Assistant United States Attorney, United States Attorney Office, 221 East Fourth Street, Suite 400, Cincinnati, 45202, and upon James Walsh, Assistant Regional Counsel, U.S. Department of Health and Human Services, 233 N. Michigan Avenue, Suite 700, Chicago, Illinois, 60601, on the 15<sup>th</sup> day of October, 2003.

ber, 2003.

  
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Geoffrey E. Webster  
Attorney at Law